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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/385,299	08/30/1999	ALI MOSLEH	93-3-513	8955
32127	7590	11/25/2005	EXAMINER	
VERIZON CORPORATE SERVICES GROUP INC. C/O CHRISTIAN R. ANDERSEN 600 HIDDEN RIDGE DRIVE MAILCODE HQEO3H14 IRVING, TX 75038			RIMELL, SAMUEL G	
			ART UNIT	PAPER NUMBER
			2164	

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/385,299

Applicant(s)

MOSLEH ET AL.

Examiner

Sam Rimell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 30-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-17, 30, 31 and 34-46 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 32, 33 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5, 7, 8, 9, 10, 12, 13, 15, 16, 30, 31, 34, 36, 37, 38, 39, 41, 42, 44 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Eytchison (U.S. Patent 6,363,434).

Claim 1: FIG. 2 of Eytchison discloses a series of devices such as 210, 212, 222a, and 211a which read as portable access devices. Each of the devices are in communication with a server (214). As seen in FIG. 3, the server in turn contains a resource manager which controls communication lines and bandwidth allocations to the portable access devices by referring to a path database (340; also col. 7, lines 24-25). Therefore, the resource manager identifies communications protocols, such as available communication lines and bandwidth allocations that are associated with the network server by being referenced in a database in the network server. The resource manager then allocates the lines and bandwidth and establishes the communication connection. As seen in FIG. 2, the communication connection is a wireline LAN (also see col. 5, lines 37-40). As described at col. 8, lines 29-32, whenever a communication link cannot established, a failure message is returned to a user application, which reads as the capture of data pertaining to a failed attempt.

Claim 2: The resource manager (320) searches an internal database (path database 340) for communications protocols (lines and bandwidth) and allocates those lines and bandwidth to the portable devices.

Claim 5: The resource manager allocates lines and bandwidth, which configures the portable access device to transmit information to a user using the wireline LAN of FIG. 2. The resource manager only makes the configuration after verifying that the lines and bandwidth are available after checking the path database (340). Communication with the portable access device is initiated after the allocation of lines and bandwidth are made by the resource manager.

Claim 7: A user using a portable access device, such as devices 210, 212, 222a and 211a issue a request (source devices issue requests, col. 6, lines 64-67) to access a server (214). As seen in FIG. 3, the server in turn contains a resource manager which controls communication lines and bandwidth allocations to the portable access devices by referring to a path database (330). The server thus identifies communication protocols (available communication lines and the signals controlling those lines), transmits the protocol to the devices (transmits “granted” signals that set-up the usage of the communication lines) and thus creates the communication links between the server and the portable devices. As seen in FIG. 2, the communication connection can be a wireline LAN (col. 5, lines 34-70).

Claim 8: As described at col. 8, lines 29-32, whenever a communication link cannot be established, a failure message is returned to a user application, which reads as the capture of data pertaining to a failed attempt.

Claim 9: The resource manager (32) searches an internal database (path database 340) and communications protocols (lines and bandwidth) and allocates those lines and bandwidth to the portable devices.

Claim 10: The resource manager allocates lines and bandwidth, which configures the portable access devices to transmit information to a user using the wireline LAN of FIG. 2. The

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resource manager only makes the configuration after verifying that the lines and bandwidth are available after checking the path database (340). Communication with the portable access device is then initiated after allocation of lines and bandwidth by the resource manager.

Claim 12: A user using a portable access device, such as devices 210, 212, 222a and 211a issue a request (source devices issue requests, col. 6, lines 64-67) to access server (214). The network of FIG. 2 may also include a second server device through which communications can be passed (set top box 213, as described as equivalent to server 214, col. 4, lines 33-38). As seen in FIG. 3, the server (214) in turn contains a resource manager which controls communication lines and bandwidth allocations to the portable access devices by referring to a path database (330). The server thus identifies communication protocols (available communication lines and the signals which control those lines), transmits the protocol to the devices (transmits “granted” signals that set up the usage of the communication lines) and thus creates communication links between the server and the set top box and the portable devices.

Claim 13: As described at col. 8, lines 29-32, whenever a communication link cannot be established, a failure message is returned to the user application, which reads as the capture of data pertaining to a failed attempt.

Claim 15: The resource manager (32) searches an internal database (path database 340) for communications protocols (lines and bandwidth) and allocates those lines and bandwidth to the portable devices.

Claim 16: The resource manager allocates lines and bandwidth, which configures the portable access devices to transmit information to a user using the wireline LAN of FIG. 2. The resource manager only makes the configuration after verifying that the lines and bandwidth are

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available after checking the path database (340). Communication with the portable access is initiated after the allocation of lines and bandwidth are made by the resource manager.

Claim 30: See remarks for claim 1.

Claim 31: See remarks for claim 2.

Claim 34: See remarks for claim 5.

Claim 36: See remarks for claim 7.

Claim 37: See remarks for claim 8.

Claim 38: See remarks for claim 9.

Claim 39: See remarks for claim 10.

Claim 41: See remarks for claim 12.

Claim 42: See remarks for claim 13.

Claim 44: See remarks for claim 15.

Claim 45: See remarks for claim 16.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 11, 14, 17, 35, 40, 43 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eytchison in view of Official Notice.

Claim 6: Each of the portable devices of Eytchison (210, 211a, 212 and 222a) are transceivers by reason that they have two-way communication with the server (214). This is schematically illustrated by the bi-directional arrows between the portable devices and the server

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(214) in FIG. 2. Bandwidth and lines can be allocated or refused to the portable devices by sending signals to those devices from the server (214). Within the system of Eytchison, the server can send a first signal indicating a refusal to one device but then send a second signal indicating allocation of lines and bandwidth to a second device. Since the system of Eytchison may communicate with the Internet via a modem (col. 4, lines 65-66) the second device can be a device that connects to the public switched telephone network (PSTN).

Eytchison only differs from the claims in that the portable devices are hardwired to the server as opposed to being connected in a wireless manner. However, examiner takes Official Notice that it is well known in the art to establish data communication links using wireless connections.

It would have been obvious to one of ordinary skill in the art to modify Eytchison to utilize wireless connections on the LAN illustrated in FIG. 2 so as to enhance the convenience of the user by eliminating the need to plug wires into the portable devices.

Claims 11, 14, 17, 35, 40, 43 and 46: See remarks for claim 6.

Claims 3, 4, 32 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Remarks

Applicant's arguments have been considered.

As a preliminary matter, it is noted that applicant requests the submission of a second non-final office action due to an alleged failure to address claims 12 and 41, and due to an allegation that the findings for claims 12 and 41 are ambiguous. Examiner has reviewed the non-

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final office action of June 2, 2005, but does not find that claims 12 and 41 were inadequately addressed, nor is any ambiguity found in the examiner's findings for claims 12 and 41. It is noted that applicant was able to understand the rejections of claims 12 and 41 sufficiently to render a clear response to the rejection (page 23, last paragraph through page 24 first paragraph of Remarks dated 8/31/05), contrary to applicant's assertion that there was no fair opportunity provided to reply (page 23 third paragraph of remarks dated 8/31/05). The fact that applicant disagrees with examiner's findings does not mean that such findings are completely lacking, nor does it mean that the findings are ambiguous. Accordingly, there is no basis for issuing a second non-final action.

Returning to the consideration of claim 1, applicant argues that Eytchison does not teach using a portable access device to establish a communication link between the portable access device and the first network server. This argument is not correct. FIG. 2, illustrates a variety of portable devices (devices capable of being moved). For example, digital video cameras are typically capable of being moved since they are typically handheld. DVD players and VCRs are portable by reason that they can be moved and installed into different locations. Examiner maintains that Eytchison discloses portable devices that have a communication link with the server (214).

With respect to claim 7, applicant argues that Eytchison does not disclose "receiving a request from a portable access device to access a network server". This argument is not correct. The requests are made to the server by application programs in the source devices in the network (col. 6, lines 21-23 outline how the application programs communicate with the resource manager and col. 6, lines 64-67 indicate that the communication is made in the form of requests

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to the resource manager). The source devices are those devices illustrated in FIG. 2, so the source devices are sending requests to the server. Applicant also argues that Eytchison does not disclose the step of transmitting an identified communication protocol associated with the server to the media devices. This argument is not correct. As described at col. 7, lines 1-10, the communication protocols are available lines, as well as the signals controlling those lines. Signals, such as a “granted” signal are sent to the devices in order to establish the communication links with those devices.

With respect to claims 12 and 41, applicant argues that the examiner does not identify first and second servers in the Eytchison reference. This argument is not correct. One of the servers has been identified as the home server (214) in FIG. 2. The second server identified is the set top box (213) discussed at col. 4, lines 33-38. It is noted that applicant’s arguments to this point are recitations of case law, and no apparent consideration has been given to the examiner’s identification of elements correlating to the server or servers in the prior art.

With respect to the rejection under 35 USC 103, applicant’s arguments appear to be directed to a denial that the Examiner actually took Official Notice (page 25, lines 7-12 or remarks), followed by various recitations of case law. None of applicant’s arguments appear to be addressed to any of the actual findings associated with the taking of Official Notice. In making the rejection under 35 USC 103, Examiner took Official Notice and found that it was well known in the art to establish wireless connections on a network. Examiner maintains that this is a correct assertion, and that wireless connections on a network can be readily and instantly demonstrated. For example, if the term “wireless LAN” is typed into the US Patent database, several thousand patent references which disclose this feature can be found, some of which date

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as far back as 1991. It is clear that the concept of wireless communications can be readily demonstrated as existing well prior to applicant's invention. The examiner's office action also identifies motivations for applying such technology (eliminating the need for wires). Other than a blanket denial, applicant has not provided any evidence to refute the taking of Official Notice or refute the reasons for obviousness.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.



Sam Rimell
Primary Examiner
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